

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Jose L. Linares
v. : Crim. No. 11-353 (JLL)
BAHADIR YAHSI : ORDER FOR CONTINUANCE

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (Shirley U. Emehelu, Assistant U.S. Attorney, appearing), and defendant Bahadir Yahsi (Catherine M. Brown, Esq., appearing), for an order granting a continuance of the proceedings in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18, United States Code, Section 3161(c)(1), and the defendant having consented to such a continuance, and it appearing that the defendant waives such right, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) On April 3, 2012, defendant filed a Notice of Appeal of the Court's April 2, 2012 Order denying defendant's

motion to dismiss the Second Superseding Indictment on Double Jeopardy grounds;

(2) On April 5, 2012, the Court issued an Opinion and Order staying this matter pending defendant's Appeal;

(3) On July 27, 2012, the Third Circuit Court of Appeals filed an Opinion and Judgment affirming the Court's April 2, 2012 Order denying defendant's Double Jeopardy claim;

(4) The Court now has scheduled a status conference in this matter for September 6, 2012, at which time a new trial date may be scheduled;


(5) Based on the foregoing, pursuant to Title 18, United States Code, Section 3161(h)(1)(C), the period of delay resulting from defendant's interlocutory appeal is specifically excluded in computing the time in which trial must commence under the Speedy Trial Act;

(6) Further, the parties need additional time to prepare, again, for trial in this matter. Accordingly, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this *6th* day of August, 2012,

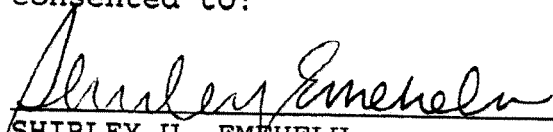
ORDERED that this action be, and hereby is, continued from April 3, 2012 through September 7, 2012; and it is further

ORDERED that the period from April 3, 2012 through and including September 7, 2012 shall be excludable in computing time under the Speedy Trial Act of 1974.

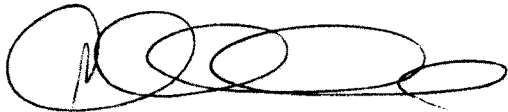


HON. JOSE L. LINARES
United States District Judge

Form and entry
consented to:



SHIRLEY U. EMEHELU
Assistant U.S. Attorney



CATHERINE M. BROWN, ESQ.
Counsel for defendant Bahadir Yahsi